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Name of Depositor: Daryl K. Neff

Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:  
**Michael C. Gaidis et al.**

Date: **December 5, 2006**

Serial Number: **10/709,999**

Examiner: **Dung Anh Le**

Filed: **June 11, 2004**

Group Art Unit: **2818**

**Conf. #3998**

Title: **METHOD OF PATTERNING A  
MAGNETIC TUNNEL JUNCTION STACK  
FOR A MAGNETO-RESISTIVE RANDOM  
ACCESS MEMORY**

Joseph P. Abate  
IBM Corporation  
D/18G, B/321, Zip 482  
2070 Route 52  
Hopewell Junction, NY 12533-6531

**NOTICE OF APPEAL**  
**FROM THE EXAMINER TO THE BOARD OF**  
**PATENT APPEALS AND INTERFERENCES**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) is \$500.00.

Please charge the fee to Deposit No. 09-0458 of the Assignee.

I am an attorney acting under 37 CFR 1.34.

Respectfully submitted,  
**Michael C. Gaidis et al.**

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By:

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